

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
MAR 29 2004

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U.S. DISTRICT COURT
DISTRICT OF MASS

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BRUNO HOFMANN,	:	
	:	
	:	
Plaintiff,	:	Civil Action
v.	:	No. 04-10027-JLT
	:	
PHILIP LAUGHLIN, MICHAEL SABLONSKI,	:	
ALBERT ERANI, DONNA ABELLI	:	<u>ORAL ARGUMENT REQUESTED</u>
LOPOLITO, JOHN J. ACARI, HERBERT M.	:	
STEIN, ALAN ADES, BERNARD A. MAR-	:	
DEN, ALAN W. TUCK, NOVARTIS PHARMA	:	
AG and PRICEWATERHOUSECOOPERS LLP,	:	
	:	
Defendants.	:	
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PRICEWATERHOUSECOOPERS LLP'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §§ 78u-4, 78u-5 (1998), Defendant PricewaterhouseCoopers LLP hereby moves this Court to dismiss the Class Action Complaint with prejudice. The grounds for Defendant's Motion To Dismiss The Complaint are set out in the accompanying memorandum of law.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), PricewaterhouseCoopers LLP respectfully requests oral argument of this motion.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)

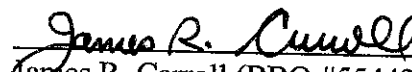
The undersigned hereby certifies that counsel for PricewaterhouseCoopers LLP conferred with plaintiff's counsel regarding the relief sought by this motion but was unable to obtain counsel's consent.

Dated: March 29, 2004


Matthew J. Matule

Dated: March 29, 2004
Boston, Massachusetts

Respectfully submitted,

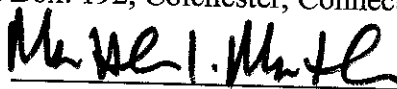

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Counsel for Defendant
PricewaterhouseCoopers LLP

Certificate Of Service

I, Matthew J. Matule, hereby certify that on March 29, 2004, I caused a true copy of the foregoing PricewaterhouseCoopers LLP's Motion To Dismiss to be served by hand upon Nancy Freeman Gans, Esq., Moulton & Gans, P.C., 33 Broad Street, Suite 1100, Boston, Massachusetts 02109-4216, and Jeffrey B. Rudman, Esq., Hale & Dorr LLP, 60 State Street, Boston, Massachusetts 02109, and by first-class mail upon Steven G. Schulman, Esq., Milberg Weiss Bershad Hynes & Lerach LLP, One Pennsylvania Plaza, New York, New York 10119 and David R. Scott, Esq., Scott & Scott LLC, P.O. Box. 192, Colchester, Connecticut 06415.

Dated: March 29, 2004


Matthew J. Matule